

K-1775D
PATENT

In the application of: Montgomery, Jr.
Serial No.10/657,397
Filed: September 8, 2003

RESPONSE TO OFFICE ACTION OF DECEMBER 13, 2004

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Remarks

Introduction

By this paper, applicant has amended the preamble of claim 22. Otherwise, the claims remain without amendment. Applicant's discussion now follows.

Discussion

By the Office Action, the patent examiner has presented two rejections; namely, claims 22-25 stand rejected as being anticipated by the Peterson et al. patent and claims 22, 24-25 stand rejected as being anticipated by Matuba et al. Applicant respectfully disagrees with these rejections for the reasons set out hereinafter. Applicant urges the removal of these rejections and the allowance of these claims.

Peterson et al. pertains to a device that is used to treat floor surfaces. The patent examiner focuses on the sleeve (35) of Peterson et al. as being the anticipatory disclosure. Although there certainly may be other distinctions, one compelling difference between the sleeve (35) of Peterson et al. and the present invention as claimed in claim 22 is that the Peterson et al. sleeve does not satisfy the recitation that the external surface of the split portion "is biased in a radial outward direction" when the wear sleeve is in the central bore of the bit holder. The slot (51) in the Peterson et al. sleeve (35) allows the roll pin (47) to engage the hole (49) in the pin (41), but neither it (nor any other structure of Peterson et al.) addresses the above-discussed recitation. Hence, applicant requests for the removal of this rejection.

Matuba et al. pertains to a bushing assembly that is incorporated in the eye of the suspension arm for an automobile cylindrical member. The patent examiner focuses on the metal insert (18) that is actually embedded in the bushing (Col. 2, line 31). The metal insert (18) contains a slit (24); however, the presence of this slit (24) does not provide any sort of bias in a radial outward direction as called for by the claims. To best show this feature of Matuba et al., the text at Col. 2, lines 31-53 is set out below:

The insert 18 is embedded in said bushing 16. This insert 18 serves to increase the spring constant KR in the direction orthogonal to the axis of the bushing 16, i.e. in the radial direction and is formed of cylindrical metal or plastic harder than the bushing 16. This insert 18 is arranged coaxially with the member 14. To increase fully said spring constant KR, it is preferable that this insert 18 applies radial compressive force to a portion 16a of the bushing 16

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located between the insert 18 and the member 14. For that purpose, it is preferable that the insert 18, as shown in FIG. 2, has a single or plurality of slits 24 extending axially from a cylindrical portion. In the presence of the slit 24, when the bushing 16 is press fitted into the eye 12, the compressive force transmitted from a portion 16b of the bushing located on the outside of the insert 18 displaces the insert 18 inward so that the compressive force will be given to the portion 16a of the bushing located inside. Further, depending on the value of the spring constant KR to be set, the insert 18 may be shaped into a complete cylinder without the slit or halved axially into semicylinders. In the latter case, the two semicylinders may be abutted to form a cylinder as a whole.

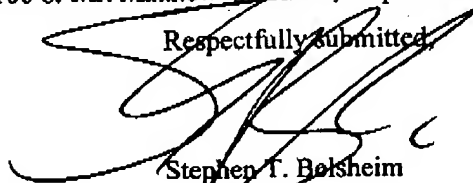
Very clearly, Matuba et al. does not address the invention per claims 22 and 24-25 in light of the absence of any bias in a radial outward direction. Applicant thus requests the removal of this rejection.

Conclusion

Applicant submits that claims 22-25 as per the proposed amendment are patentably distinct over the applied references. Applicant respectfully solicits the entry of this paper and the issuance of a Notice of Allowance and Notice of Issue Fee Due.

If the Examiner has any questions, he is respectfully urged to contact the undersigned at 1-615-662-0100 or Mr. Matthew W. Smith, Esq. at 724-539-3848.

Respectfully submitted,



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